

# Bernard Collaery: ACT Supreme Court reveals fresh details surrounding ‘secret’ spy trial

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A who’s who of spies, statesmen, and diplomats gave evidence in the closed-door, three-way legal “war” between former ACT Attorney-General Bernard Collaery, Commonwealth prosecutors and Attorney-General Christian Porter, court papers show.

Collaery is charged with one count of conspiracy to breach the Intelligence Services Act and four breaches of the Intelligence Services Act.

A bitterly fought, behind-closed-doors pre-trial hearing in May — described by ACT Supreme Court Justice David Mossop as a “war” — saw a conga-line of Australia’s top spies called in to give evidence, including ASIO deputy director Heather Cook, Department of Foreign Affairs and Trade secretary Frances Adamson, ASIS director-general Paul Symon, ASIO director-general of security Mike Burgess, Home Affairs secretary Mike Pezzullo and Office of National Intelligence director-general of national intelligence Nick Warner.

The pre-trial witnesses for Collaery included former minister Gareth Evans and former East Timorese presidents Xanana Gusmao and Jose Ramos-Horta, although only Mr Evans was cross-examined in court in May.

The details are revealed in a series of partly-redacted court decisions Justice Mossop published this week.

The allegations against Collaery revolve around a series of interviews he gave to the ABC, including former Lateline presenter Emma Alberici, 7.30 Report reporter Connor Duffy and two Four Corners producers.

A transcript of Collaery’s interview with Alberici, tendered in court, shows Collaery detailing ASIS’s infiltration of an AusAID contractor in East Timor so the Australian government could bug the East Timorese cabinet during oil and gas negotiations in 2012.

“This had nothing to do with our national security, nothing to do with protecting Australian people,” Collaery said on Lateline.

“Through a series of clandestine missions, bugs were inserted into a hollow wall and, for the actual negotiations that took place, there was a listening post.

“A transcript was carried across town. And so Mr (Alexander) Downer’s negotiators ... knew what the Timorese were thinking and that gives an extraordinary advantage.”

Bernard Collaery is ensconced in what a judge has described as a legal “war” over allegations he breached Australia’s intelligence laws.

Collaery had previously described the scandal as a “Watergate situation” and the scandal was, by the time of the ABC interviews, widely known.

The decisions reveal that prosecutors will have to prove — likely in closed court — that some of the scandalous and secretive activity Collaery accused ASIS of is true.

Former ministers George Brandis and Alexander Downer have neither confirmed nor denied whether Australia did, in fact, bug East Timorese politicians.